

1 RITA L. NEAL, Bar No. 151156  
2 San Luis Obispo County Counsel  
rmeal@co.slo.ca.us  
3 1055 Monterey Street  
4 San Luis Obispo, CA 93408  
Telephone: (805) 781-5400  
Facsimile: (805) 781-4221

5 JEFFREY V. DUNN, Bar No. 131926  
jeffrey.dunn@bbklaw.com  
6 CHRISTOPHER M. PISANO, Bar No. 192831  
christopher.pisano@bbklaw.com  
7 BEST BEST & KRIEGER LLP  
300 South Grand Avenue  
8 25th Floor  
9 Los Angeles, California 90071  
Telephone: (213) 617-8100  
Facsimile: (213) 617-7480

10 Attorneys for Defendant  
11 COUNTY OF SAN LUIS OBISPO

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION**

16 SAN LUIS OBISPO COUNTY  
17 HOMELESS UNION, a local affiliate of  
the CALIFORNIA HOMELESS  
18 UNION, on behalf of itself, its members  
and current and former residents of  
Oklahoma Parking Site; DAVID  
19 RICHFORD; DAN RICHFORD; TIM  
McELROY; LEON SHAHOIAN; DE  
DURLESSER; NAOMI DE LEON;  
21 MICHEL MAEZ; NAOMIE DeGRAW;  
TREVA KATHAWAY and DOES 1-50,

22 Plaintiffs,  
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24 v.

25 COUNTY OF SAN LUIS OBISPO, a  
political subdivision of the State of  
California; COUNTY OF SAN LUIS  
26 OBISPO DEPARTMENT OF SOCIAL  
SERVICES, HOMELESS SERVICES  
27 DIVISION; DEVIN DRAKE, in his  
official capacity as Director of Social  
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Case No. 2:24-CV-00616-AB-MAA  
Assigned to Hon. Andre Birotte, Jr.

**COUNTY OF SAN LUIS  
OBISPO'S OBJECTION TO  
PLAINTIFFS' REPLY TO  
OPPOSITION TO EX PARTE  
APPLICATION FOR A  
TEMPORARY RESTRAINING  
ORDER**

Judge: Andre Birotte, Jr.  
Action Filed: 01/23/2021

1 Services; MORGAN TERRELL in his  
2 official capacities as County Director of  
3 Homeless Services; JEFFREY AL-  
4 MASHAT, individually and in his  
5 official capacity as COUNTY  
6 PROGRAM MANAGER;  
7 COMMUNITY ACTION  
8 PARTNERSHIP OF SAN LUIS  
OBISPO COUNTY (“CAPSLO”) a non-  
profit County contractor; ELIZABETH  
STEINBERG, in her official capacity as  
CEO of CAPSLO; JACK LAHEY, in  
his official capacity as Director of  
Homeless Services for CAPSLO  
(“CAPSLO”) and DOES 1-100,

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Defendants.

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BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
300 South Grand Avenue, 23rd Floor  
Los Angeles, California 90071

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR  
COUNSEL OF RECORD:**

Defendant County of San Luis Obispo (“County”) objects to Plaintiff’s reply to opposition to the ex parte application for a temporary restraining order (“TRO”). The County’s objection is based on the ground that there is no authority in the Central District Local Rules or this Court’s standing order for a party bringing an ex parte application to file a reply brief. See Local Rule 7-19; Dkt. 7, pp.12-13.

As the record demonstrates, on February 2, 2024 the County informed Plaintiffs' counsel of the March 18, 2024 date for the closure of the Oklahoma Parking Village. This gave Plaintiffs and their counsel over six weeks of notice. Yet rather than file a regular noticed motion for a preliminary injunction, which Plaintiffs could have done, they chose to seek an injunction through an application for a TRO. In doing so, Plaintiffs forced the County to provide a response in only one day, so the County did not have the benefit of notice and the time to prepare an opposition that is afforded under Local Rule 7-9. But also in doing so, Plaintiffs undertook a process that does not give them the ability to file a reply. Plaintiffs cannot have it both ways. They opted to file an ex parte application, and as such there is no basis for them having filed a reply. The County objects, and requests that the Court strike the reply and the Prince declaration in support of the reply.

Dated: February 28, 2024

Respectfully Submitted,

## BEST BEST & KRIEGER LLP

By: /s/ Christopher M. Pisano  
CHRISTOPHER M. PISANO  
JEFFREY V. DUNN  
Attorneys for Defendant  
COUNTY OF SAN LUIS OBISPO